

Claims 1-9 are rejected under 35 U.S.C. §103(a) over Cook et al in view of Laurent et al and Le Clercq et al.

Cook et al discloses animal feed containing antibodies which can be optionally encapsulated in a lipid layer. The antibodies are broadly described as "those which can alter physiological process that adversely affect growth and feed efficiency."¹ The Examiner concedes that Cook et al did not disclose antibodies which recognize lipase.²

Le Clercq et al studied anti-lipoprotein lipase antibodies to determine their effect on metabolism, comprising fat and lean lines of chicken. The Examiner pointed out that lipoprotein lipase catalyzes the hydrolysis of plasma lipoproteins, arguing that this fact suggests the present invention. However, Le Clercq et al studied the hydrolysis of plasma lipoprotein, i.e., in the bloodstream. The antibody of Le Clercq et al was injected. That study would not have been relevant to the claimed process of feeding an immunoglobulin against lipase to an animal.

While Laurent disclosed a means for increasing the lean/fat ratio in poultry with antilipogenic agents, the active compounds were not related to antibodies, they were not even proteins. They were naphthylamide acids and esters. The obviousness rejection is based on the idea that interfering with lipase metabolism should "affect" the lean/fat ratio in poultry, but that information combined with prior art methods hydrolyzing plasma lipoprotein would not have provided to a reasonable expectation of success for the present antibody within the meaning of 35 U.S.C. §103(a).

At the interview, the food composition of Claim 6 was questioned with regard to how

¹Column 3, lines 5-7.

²Page 4, lines 4-6 of the Official Action dated February 17, 2000.

it could be distinguished from a saline or buffered solution of the liposome-encapsulated antibodies. However, the phrase "food composition" in the preamble of Claims 6-9 refers to a nutrative food source.

Applicants submit that the case is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Robert W. Hahl
Registration No. 33,893

Crystal Square Five - Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202
(703) 413-3000
Fax #: (703) 413-2220
RWH:cct

I:\atty\RWH\05850017.am